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March 4, 2014

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: Eastman Chemical Co. v. Nestlé Waters Mgmt. & Tech., 11 CV 2589 (KPF) (HBP)

Dear Judge Failla:

On behalf of defendant Nestlé Waters Management & Technology (“Nestlé”), we write in response to plaintiff’s March 4, 2014 letter seeking leave to file a supporting memorandum of 35-40 pages.

In its December 10, 2013 pre-motion letter and during an in-person appearance on December 18, 2013, plaintiff informed Your Honor and Nestlé that it would be moving in connection with (a) Count III and (b) Nestlé’s counterclaims related to Count III. On the other hand, Nestlé will be moving in connection with Count III and in connection with Counts I and II, which relate to 22 separate months.

Because one could read plaintiff’s letter from today to suggest that a memorandum of 35-40 pages should suffice for both parties, Nestlé respectfully reiterates its request for leave to file a supporting memorandum that is no longer than 50 pages.

Respectfully yours,

Harry H. Rimm

cc: Marshall Beil, Esq. (Via Email)